

REMARKS/ARGUMENTS

This Reply is in response to the **non-final** Office Action dated January 15, 2009.

I. Introduction

Claims 2-5, 7, 9-13, 16-18 and 32-37 are pending in the application.

Claims 2, 3, 5, 7, 16, 17 and 32 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. US 2004/0249975 to Tuck et al. (hereinafter "the Tuck et al. publication").

Claims 4, 18, and 33-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Tuck et al. publication in view of U.S. Patent No. 6,684,250 to Anderson et al. (hereinafter "the Anderson et al. patent").

Claims 9-13, 36, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Tuck et al. publication in view of the Anderson et al. patent in further view of U.S. Patent Publication No. US 2002/0165835 A1 to Igval (hereinafter "the Igval publication").

As will be discussed below, none of the pending claims are anticipated or rendered obvious by the applied references.

II. Claims 2-5, 7, 16-18, 32-35, and 37 are Patentable

Claims 2, 3, 5, 7, 16, 17 and 32 stand rejected under 35 U.S.C. 102(e) as being anticipated by the Tuck et al. publication. Claims 4, 18, and 33-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Tuck et al.

publication in view of the Anderson et al. patent. Claims 9-13, 36, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Tuck et al. publication in view of the Anderson et al. patent in further view of the Igval publication.

The Tuck et al. publication identifies location by utilizing the "router NIC number", whereas **claim 2** utilizes "edge router and port information" to perform "a database lookup operation to retrieve a geographic location stored in association with the edge router and port information". This is clearly beyond the teaching or suggestion of the Tuck et al. publication. To put it another way, the Tuck et al. publication discloses using the location of the edge router (as provided by the "router NIC number") as the location of the device, whereas claim 2 utilizes a "database lookup" to "retrieve a geographic location" which is associated with "the edge router and port information".

For at least this reason, claim 2 is patentable over the Tuck et al. publication. It should be noted that neither the Anderson et al. patent nor the Igval publication teach or suggest the features of claim 2 argued above.

Further, claim 2 recites:

comparing the obtained physical location information to information listing physical locations authorized to obtain access to a service for which security is to be provided

The Examiner states on p. 3 of the Office Action that the Tuck et al. publication discloses "information listing physical locations authorized to obtain access to a service for which security is to be provided ([0013])." However, the cited reference actually reads: "The information may for example relate to the department in which a user of the

client node is registered and to their level of authority and security clearance". There is nothing about "physical locations authorized to obtain access" in this reference.

For at least these additional reasons, **claim 2 is patentable over the cited references.**

For at least the reason that they depend from allowable claim 2, **claims 3, 4, 5, and 18 are patentable over the cited references.**

Claim 7 recites (emphasis added):

determining the location of the user device from edge router and port information obtained from an edge router, wherein the determining the location of the user device further includes performing a database lookup operation to retrieve a geographic location stored in association with said edge router and port information

Claim 7 is patentable over the cited references for at least the same reasons as discussed regarding claim 2 above.

The Examiner states on p. 3 of the Office Action that "Tuck discloses using router and port information ([0073])". However, this paragraph states:

"For any matching reverse session traffic that maps the client IP address (and additionally transport port number for NAT) back, the router for the traffic forwarding uses the previously stored link information to generate the packet and transmit the packet to the client, and bypasses the normal route processing."

Clearly, this reference to "IP address" and "transport port number" in no way teaches or suggests **"determining the location of the user device from edge router and port information** obtained from an edge router".

For at least these reasons, **claim 7 is patentable over the cited references.**

Claim 7 also recites (emphasis added):

transmitting a location information request message including the source address of the received IP packet and receiving in response to said transmitted location information request message, information corresponding to the location of the user device

This feature is not found in the Tuck et al. publication, nor is it referenced by the Examiner.

For at least this additional reason, claim 7 is patentable over the cited references.

Claim 16 recites the following:

wherein determining the location of the user device further includes performing a database lookup operation to retrieve a geographic location stored in association with edge router and port information [,and]

a database of physical location information listing physical locations authorized to obtain access to said service

For the same reasons as argued above regarding claims 2 and 7, **claim 16 is patentable over the cited references.**

For at least the reason that it is dependent on allowable claim 16, **claim 17 is patentable over the cited references.**

Claim 32 recites the following:

determining from said source address the physical location from which said IP packet was sent

prior to delivery of the packet to the destination address;

comparing the determined physical location information to expected information indicating the expected source of an IP packet; and

determining a reporting error when said determined physical location information does not match the expected physical location information

The Examiner on p. 3 of the Office Action refers to the Tuck et al. publication at [0017] and [0119] in relation to claim 32. However, neither paragraph refers to "the expected physical location" in any manner. Also, neither paragraph refers to "determining a reporting error" for any purpose, but certainly not in response to "when said determined physical location information does not match the expected physical location information".

For at least these additional reasons, **claim 32 is patentable over the cited references.**

For at least the reason that they are dependent on allowable claim 32, **claims 33, 34, 35, and 37 are patentable over the cited references.**

It should be noted that neither the Anderson et al. patent nor the Igval publication supply any of the missing features discussed above in relation to the Tuck et al. publication regarding claims 2-5, 7, 16-18, 32-35, and 37.

Further, the Anderson et al. patent doesn't teach or suggest the determination of "physical location" recited in the referenced claims.

The Anderson et al. patent discloses an "estimated geographic location" based upon "a degree of confidence-factor weighted agreement within a plurality of geographic locations" (Abstract). This is accomplished by identifying

the location of **a router** which is associated with the "machine" in question, not the location of the device itself. At col. 8, lines 14-20:

"Typically, most network addresses (e.g., IP addresses) are associated with a particular geographic location. This is because routers that receive packets for a particular set of machines are fixed in location and have a fixed set of network addresses for which they receive packets. The machines that routers receive packets for **tend to be geographically proximal to the routers** [emphasis added]".

Other methods employed by the Anderson et al. patent to estimate the approximate location of a device include:

1. Tracking ownership of blocks of IP addresses (col. 15, lines 33-35);
2. Tracking ownership of domain names (col. 15, lines 42-43);
3. Tracking autonomous systems of routers (col. 15, lines 46-50);
4. DNS Location record for a host (col. 15, lines 52-54);
5. Tracing the route of the data packet (col. 15, lines 55-60);
6. The "hostname" in a network address (col. 15, line 66-col. 16, line 1); and
7. "Demographic/Geographic Data" (col. 16, lines 5-7).

None of these methods teach "obtaining **physical location** information indicating the **location of a user device**". At best, they are **guesses** at what **general vicinity** a device is **likely** to be found by identifying possible locations of **other devices** which **might be** nearby the target device.

Also, the Igval publication likewise does not teach or suggest the features argued above. The Igval publication teaches a method of estimating the approximate probable geographic location of a device by such methods as "triangulation" based upon "transmission times" over the Internet.

For example, paragraph [0027] states: "the locator application 128 may employ techniques such as sending 'homing' signals back and forth between the postage meter 140b and the data center 120 along different routes 165 through the Internet 160 and using the corresponding transmission times or other communications parameters associated with the homing signals to triangulate the physical location of the postage meter 140b".

Even if comparing "transmission times" over different Internet routes could be construed as "determination" of "a physical location", it would not be **"determining from said source address** the physical location from which said IP packet was sent" as recited in claim 32 (emphasis added). Further, no combination of the above references would teach or suggest this feature of claim 32.

III. Claims 9-13 and 36 are Patentable

Claim 9 recites the following:

- (i) *transmitting a location information request message including the source address of the received IP packet,*
- (ii) *receiving in response to said transmitted location information request message, information corresponding to the location of the*

user device determined from edge router and port information obtained from an edge router and a device identifier associated with the source address of said IP packet;

Claim 9 is patentable for at least the reasons argued above in relation to claims 2, 7, 16, and 32.

Further, claim 9 recites:

comparing the received device identifier to a list of device identifiers corresponding to stolen devices

which is not taught or suggested in **any** of the cited references. The Examiner on p. 4 of the Office Action points to the Igval publication at paragraphs [0027 and 0028] as showing this feature. However, this reference doesn't "compare" anything to "a list of device identifiers corresponding to stolen devices". The Igval publication states at paragraph [0028], lines 20-23:

"If at 454 the answer is no, then at 456 the data center 120 flags the postage meter 140b as lost or stolen and terminates the session."

This is the **opposite** of the claim 9 recitation. Rather than compare "the received device identifier to a list of device identifiers corresponding to stolen devices", the Igval publication uses other methods to determine that a device is stolen, and then flags it as such.

For at least this additional reason, claim 9 is patentable over the cited references.

Claims 10-13, for at least the reason that they are dependent on allowable claim 9, are patentable over the cited references.

Further, claim 11 recites the following features:

generating a message indicating the detection of a stolen device when said comparing step detects a match between the received device identifier and a device identifier in said list of device identifiers corresponding to stolen devices

As the cited references do not teach or suggest the above feature, for this additional reason claim 11 is patentable over the cited references.

Still further, claim 12 recites the following features:

wherein said generated message includes information indicating the geographic location where the identified stolen device is being used

As the cited references do not teach or suggest the above feature, for this additional reason claim 12 is patentable over the cited references.

Claim 36 is patentable over the cited references for at least the reasons argued above related to claim 9.

Additionally, claim 36 contains the feature:

receiving an IP packet including a source address wherein said IP packet is transmitted from a bracelet worn by a parolee and wherein said IP packet includes parolee identification information

The Examiner does not allege that this feature is taught or suggested by any of the cited references. It would further not be obvious to link the features of "determining from said source address the physical location from which said IP packet was sent" with "a bracelet worn by a parolee".

For at least this additional reason, claim 36 is patentable over the cited references.

Claim 37 is patentable over the cited references for at least the reason that it is dependent on allowable claims 32 and 33.

Additionally, claim 37 contains the feature:

determining if said IP packet was sent at a predetermined time during which a location reporting message was scheduled to be transmitted

None of the cited references teach or suggest this feature, nor does the Examiner claim that they do. Further, nothing in the references suggest relating their capabilities to "a predetermined time during which a location reporting message was scheduled to be transmitted", and therefore, it would not be obvious to alter the references to include such a feature. For at least this additional reason, claim 37 is patentable over the cited references.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance¹. Accordingly, it is requested that the Examiner pass this application to issue.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance **the Examiner is invited to call (732-936-1400) to discuss the remaining issues.** To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

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